Sanction of I. P. sets to ryots in Pavagada Taluk.

*Q.—301. Sri R. KENCHAPPA (Pavagada).—

Will the Government be pleased to state :—

(*a*) the number of applications received from the ryots of Pavagada taluk in 1962-63 requesting them to provide I. P. sets;

(*b*) out of them the number of applications sanctioned and the number of applications pending ?

A.—Sri H. C. BORAIAH (Parliamentary Secretary to Minister for Agriculture).—

(*a*) Electric Pump sets—3
Diesel Engine Pump sets—11

(*b*) Electric Pump sets—
Sanctioned—3
Pending—Nil

Diesel Engine Pump sets—
Sanctioned—7
Pending—4

9-30 A.M

Mr. SPEAKER.—Calling Attention to a matter of urgent public importance by Sri Kolkebail. The Hon'ble Member is not present.

PAPERS LAID ON THE TABLE.

SECRETARY.—I beg to lay, replies to questions of previous sessions, as follows:—

(1) 3 starred question of 1962 session.
(2) 86 starred questions of 1963 session.
(3) 41 unstarred questions of 1963 session.

Sri B. D. JATTI (Minister for Finance).—Sir, to beg to lay the Audit Report on the Accounts of the Mysore State Financial Corporation for the year ended 31st March, 1963, as required under sub-section (7) of section 37 of the State Financial Corporation Act, 1951.

Member's represenation

Re: **Notice issued by Supreme Court relating to the question of privilege reported to it by President of India.**

†Sri S. M. KRISHNA (Maddur).—Sir, I seek your permission to draw the attention of the House as well as the Chair to the U. P. Legislature crisis to be considered by the Supreme Court.

Mr. SPEAKER.—Why call it a crisis?

Sri S. M. KRISHNA.—Sir, the Supreme Court has been moved by the President of the Republic to give out the position of law as it ought to be. All of us feel deeply about it. Here, more than two points are involved the privileges of the Legislature in relation to the supremacy of the judiciary, the rule of law as it were. We see in the news papers that Supreme Court has issued notices to all Legislature and to all the Chief Justices to make their appearance before the Supreme Court when it takes up the question to give its finding on the reference made by the President.

I would like to place before you, for consideration, that this move has got serious implications. The proposition that I am placing before you is, that all of us feel too strong about this. Before you place your views before the Supreme Court, I request you to give us an opportunity, may be by calling a secret session or an urgent session. The time at our disposal is short and they are also very keen to give their opinion before they adjourn for summer recess. I would therefore earnestly request you to consider the possibility of having an urgent secret session of the Legislation to consider this point because many of us may not be quite well informed about the points involved in this. It will naturally strengthen your hands and you are the embodiment of our rights and privileges, our honour and our dignity.

Mr. SPEAKER.—I am the repository, not the embodiment.

Sri S. M. KRISHNA.—Sir, we want to strengthen your hands. I would like to know specifically from you that if you are not appearing before the Supreme Court, who is to appear on your behalf? I would again stress that we should be given an opportunity to express our views on this vital question which affects certain of our rights guaranteed by our Constitution.

Sri C. J. MUCKANNAPPA.—(Sira) Sir, how does this legislature become a party to a matter that has occurred in the U. P. Assembly? Let us know your reaction to this, Sir.

Mr. SPEAKER.—I do not know whether the Hon. Member Sri S. M. Krishna was right in calling it a crisis. I really do not call it a crisis. So far as the notices that have been issued by the Supreme Court are concerned, it has to be understood in the proper spirit. The notice is that persons who are interested may go there because an order pertaining to anybody should not be issued without hearing him. So, the persons interested are given notice and there is no compulsion that anybody should go at all. It must not be thought that if notice is served, somebody must go. If one feels like that, he can go.

So far as holding a secret session for discussing it on the floor of the House, is concerned it is a bit complicated matter. I cannot say any anything about it until I apply my mind. But if the Members want that something should be done and if they want to give their views, their learned Notes, they can give. They can even make their own

(MR. SPEAKER)

arrangements to go to Delhi. I think the Secretary has also received a notice. So, different aspects that are necessary might be presented. So far as constitutional problems are concerned, even if we are not made parties, we may go and intervene, because the principles that are enunciated will bind all parties. That does happen particularly in fiscal matters. With regard to the interpretation of taxation policies in certain cases other States are permitted to intervene, and the reasoning enunciated in the judgement of the Supreme Court might control or condition the approaches that they might have to take. These constitutional problems have to be dealt with in that manner. The Supreme Court has taken a wise step saying, you may appear if you like.' But, so far as discussion is concerned, it is a purely constitutional matter to be studied rather than discussed. If any Member is so desirous, I am too happy to sit with him and study. With regard to the other matters, it is difficult, because the time is too short. As I should feel, on account of the urgency perhaps, they want to dispose of it in a short time. So far as I have read in the Papers that date is finalised; I don't think the Supreme Court has said it.

Sri C. J. MUCKANNAPPA.—The Press has reported.

Mr. SPEAKER.—The Press is not Supreme Court. Either a request might have gone from the President or from other persons concerned or the Supreme Court on its own initiative might have thought that that is a matter that s ould not be delayed long, because the situation requires to be attended to immediately.

Sri C. J. MUCKANNAPPA.—What is the Notice that you have received?

Mr. SPEAKER.—It says that a particular case is going to be heard on the 6th and that the Speaker may appear. It has been sent by a Telegram.

Sri V. M. DEO.—(Gubbi) In view of the fact that the matter has got to be decided in a short time and it not only needs preparation but also a sort of collective wisdom prevails, please consider it either to take it on the floor of the House or in a Secret Session!

Mr. SPEAKER.—Secret Session for what? For studying a case, it is not necessary.

Sri S. SIVAPPA (Shravanabelagola).—We are very much anxious to know the contents of the telegram.

Mr. SPEAKER.—I will show it to the Members; I have sent for it.

Sri S. SIVAPPA.—I also want to know whether the Hon'ble Speaker is going to attend or an alternative delegate will be sent by delegating your views through him.

Mr. SPEAKER.—While the Speaker is to be represented, does he like to have the opinion of the House?

Sri S. SIVAPPA.—Not the opinion of the House; it is not law.

Mr. SPEAKER.—We are considering constitutional problems.

Sri S. SIVAPPA.—This is the first of its kind in the whole of India. It has to be discussed in detail. It relates to the powers of the Legislature. These are all very important things.

Sri C. J. MUCKANNAPPA.—May I know who is going to represent our State Legislature on your behalf?

Mr. SPEAKER.—I have not yet decided. So far as the merits of the case are concerned, what is meant by discussion on the floor of the House? What is the conclusion of the House? Is it the conclusion of the House or is it a decision of the Supreme Court that is to govern? It is more a case to be studied rather than hold a debate. We have to see whether the debate will be helpful or a study or discussion will be helpful. Because it is a complicated subject, let not every Member think that he can become an expert to advise overnight without studying it.

† Sri M. V. RAMA RAO (Minister for Law).—The entire question is now before the Supreme Court of India and it would not be proper for any other body, however sovereign in its own sphere, to seek to carry on a debate as to what view should be taken of the question which is now before the Supreme Court. Therefore, I would submit that any views, which the Hon'ble Members may be anxious to express, may be communicated to you for your advantage or benefit if they think that those views are to be known to you.

Sri V. S. PATIL:—(Belgaum) Sir, the question pending before the Supreme Court is a very vital question. It will affect the rights or privileges so far as our Legislature is concerned. Whether our legislature has got the powers of the British Parliament. if not to what particular limits our powers will be extended, all these things will come in the way of our future working in this Body. Since this is a very vital matter, I think, it cannot be treated as a *sub-judice* case as pointed out by the Hon'ble Minister for Law.

Mr. SPEAKER.—He did not say it. I said it. If the matter is pending before the Supreme Court, is it not *sub-judice*?

Sri V. S. PATIL.—I am pointing out a distinction between a matter of *sub judice* and the matter which is now pending before the Supreme Court. The whole matter is, what are our rights and what are the rights of the judiciary. Democracy mostly depends on these two things. They have issued the notices to us also as to what our interpretation is.

It is not of a nature as we have understood up till now. It is absolutely a new case. It is not in fact a case. It is a reference made by the Hon'ble President for the opinion of the Supreme Court. It is not a case to be decided by the Supreme Court. In this matter the Supreme Court desires to have the opinion of the several legislatures as well as heads of judiciaries in all the States. Under these circumstances, this is a point which is so vital and if we do not place our views properly before the Supreme Court, we will driven to the state of a taluk board or a panchayet. So, I support the point raised by my Hon'ble friend Sri S. M. Krishna. Let there be a free discussion as to the right we have got. Of course, this is constitutional law, parliamentary

(SRI V. S. PATIL)

procedure and those who are familiar with it can take part. The other Members do not participate in the debate. No man can be expected to know everthying, because GOD—if there is any—I do not know. So, I would like to suggest to you as Mr. Dev said, let us express our collective opinion here. Let us put our collective wisdom and place it before the Supreme Court, so that the Supreme Court may come to proper conclusions so far as our rights are concerned.

SRI D. PARAMESWARAPPA (Honnali).—Sir, this is a deadlock which is before the Supreme court for adjudication and you drew our attention that the matter is before the Supreme Court, and Mr. Rama Rao, the Hon'ble Law Minister also was pleased to say that it will amount to *sub judice*.

MR. SPEAKER.—Again I should correct him. I used the word *sub-judice*.

SRI M. V. RAMA RAO.—He should not seek to put words into my mouth which I did not choose to use.

SRI D. PARAMESWARAPPA.—So, the matter, though it directly relates to U.P., it is an issue involving in that case.

MR. SPEAKER.—Is he repeating?

SRI D. PARAMESWARAPPA.—I am not repeating, Sir. The point is this: This has to be discussed privately.

MR. SPEAKER.—He is supporting the idea of discussion.

SRI D. PARAMESWARAPPA.—As was pointed out by Sri S. M. Krishna, this point has to be either discussed privately or publicly. This is the point which now under discussion. One thing I should like to suggest, why this point has got to be discussed on the floor of the Assembly is, you said you have to communicate your opinion on this matter and you will be representing the Mysore State so far as the legislature is concerned.

MR. SPEAKER.—No, No. As Speaker, I may be there.

SRI D. PARAMESWARAPPA.—You will be present there as Speaker just to express your views. Therefore, my submission to you is, by having a discussion on the floor of the Assembly you will be expressing our views on this issue and we will be strengthening your hands in expressing your views there. That is my view.

SRI S. SIVAPPA.—I want to make very clear two points. One is, when the Supreme Court has asked the considered views of the Speaker, it is.....

MR. SPEAKER.—The High Court does not ask for the opinion of the Speaker. This is nothing new.

SRI S. SIVAPPA.—Then why have they sent the telegram, Sir.

The very fact that the Supreme Court has sent you a telegram asking you to send your opinion is sufficient. Any way the opinion has to be expressed. That opinion should be the embodiment of the opinion of the Legislature. This is a question which is one of judiciary *versus* legislature. Every legislator individually is entitled to give his opinion.

What are its powers, what are the powers of the judiciary. This is a vital question. When the Supreme Court has asked for the opinion of the Speaker, it means the opinion of the legislature of Mysore and what it feels on this matter. If you feel it very delicate to have an open session; this is the first of its kind, no precedent can be found for this, we have to make a precedent for the future now. So, I suggest, have a secret session or an open Session. I do not say that we need be afraid of discussing this publicly. There is no hide and seek. Our Hon'ble Minister seems to feel that the matter is *Sub judice* because the matter is before the court. This is a vital question of deciding the powers of the judiciary and the powers of the Legislature. There is nothing wrong even if we are to discuss it openly in order to empower the Speaker to give the views of the Legislature through you, Sir. So I request the Mysore Legislature should be allowed to give its view and let a day be fixed for this discussion.

Sri K. LAKKAPPA (Hebbur).—The Hon'ble Speaker himself is a learned advocate and an expert so far as constitutional points are concerned. We have got a very able advocate General. So, this question should be discussed in a secret session inviting the Advocate-General with the guidance of the Speaker. These recommendations would be sufficient for us to break the dead-lock between the judiciary and the Legislature.

Sri SANJEEVANATH AIKALA (Surathkal).—Sir, apart from the constitutional proprieties and constitutional entanglements involved, there are what is called constitutional niceties and delicacies involved in this question. So, our Hon'ble Member Sri S. M. Krishna said that it should be discussed in this House, so that your views may be fortified by the contributions made in the course of dicsussions...

Mr. SPEAKER.—Now, let me make the position very clear. Hon'ble Members wanted to know and Sri Sivappa built up a mighty big argument that the opinion had been called for. The High Court or the Supreme Court never calls for any opinion. It wants to hear arguments or if it wants to be told what are the viewpoints that they have to consider in arriving at a decision.....

Sri S. SIVAPPA.—Do you go there to witness the hearing or contribute your views.

Mr. SPEAKER.—Such of the Members as are very keen must read a little of law, understand what exactly in the scope of the proceedings and what is power and privilege or what are the possibilities for discussion. It was suggested that the House might be convened. Agenda must be issued—to discuss what?

Sri C. J. MUCKANNAPPA.—Rights and privileges of the House.

Mr. SPEAKER.—An identical point which is to be discussed there. Is it going to be decided by a discussion of the matter in this House?

Sri S. M. KRISHNA.—I am sorry, I have been misunderstood, Sir.

Mr. SPEAKER.—I am sorry, I have allowed this.

†Sri S. M. KRISHNA.—I did not say when I made my submission, that the Supreme Court is going to be bound by the opinion of this House. All that I submitted was that we should be given an opportunity to air our views on this vital question before you give your judgement. Representing the views of the Legislature is either by way of addressing arguments. I might also to your kind notice that the U.P. Legislature Speaker is thinking in terms of getting a Privy Councillor to present the case of the U.P. Legislature before the Supreme Court. That shows the importance of the matter. I should not be misunderstood that the Supreme Court is going to be bound by our views. Otherwise, why should a notice be sent to you? The very fact that we are in receipt of a telegram which will be followed up by a letter of summons shows that the Supreme Court is anxious to hear our views. Naturally with our limited knowledge, we would like to discuss. I would like to request you to consider this aspect.

†Sri C. J. MUCKANNAPPA.—Sir, you told us that you are an intervener. Should you not know what is the stand of the Legislature, what objection is raised and how to interpret either the Constitution or the law prevailing and also the Rules of procedure that is prevailing in the Mysore State Legislature. Is it not fair to know the minds of the people. If it is not a session *in camera*, please see what best you can do because we are at the tail end of the day. We are closing and we are going home. I do not know whether you are ready to postpone or summon the Assembly soon. Those who are really well-read, those who have understood the constitution and the law and those who are in position to contribute and shed some light on the subject, may be summoned to your Chamber for the purpose of discussion. Let not this legislature tomorrow say that the Speaker went without asking our opinion? We could have thrown some light. Let not the Speaker be blamed for not having heard this House and he has gone there to represent our case. I am not questioning your capacities to do that. But kindly consider this at the time of TEA interval and just tell us what best can be done in this matter. Sri S. M. Krishna has correctly stated, it is a crisis. The State Legislature is summoning the High Court Judges to answer before the Legislature. The Legislature is converting itself into another Supreme Court. It is a very strange thing that is happening. With the humble knowledge and limitations I have, to express my opinion... I am not a lawyer. What I wanted to say, I have said. It is left to the Chair.

Mr. SPEAKER.—I will read out that telegram that has been received. Then he will understand. Then, I would like to know how many have really understood the problem. I am casting no reflection upon members' intelligence. I do say that so far as this problem is concerned, it is a problem which has remained unsolved for centuries in some other countries and it is not an easy problem for anybody to debate upon. In placing certain ideas which are expressed without knowing the mportance or the place in which they are to be heard, if they go on

discussing with sound good intelligence, slightly misplaced argument, it does not solve the problem. The telegram reads like this :.

"X 1950 DA 1281 NEW DELHI 1 STE 145

SECRETARY MYSORE LEGISLATIVE ASSEMBLY BANGALORE THIS COURT HAS TODAY FIXED SIXTH OF APRIL 1964 FOR FIXING THE DATE OF HEARING OF SPECIAL REFERENCE NO 1 OF 1964 RELATING *INTER ALIA* TO THE COMPETENCY OF THE HIGH COURT TO ENTERTAIN AND DEAL WITH PETITIONS ON BEHALF OF PERSONS SENTENCED TO IMPRISONMENT BY A LEGISLATURE FOR ITS CONTEMPT AND HAS FURTHER DIRECTED THAT NOTICE BE ISSUED TO HON'BLE THE CHIEF JUSTICE AND JUDGES OF THE HIGH COURT/ SPEAKER TO APPEAR BY COUNSEL BEFORE THE COURT ON THE SAID SIXTH DAY OF APRIL 1964 AND ASSIST THE COURT IN FIXING THE DATE OF HEARING (.) FORMAL NOTICE ISSUED SEPARATELY (.) ADVANCE INTIMATION IS GIVEN HEREBY (.) KINDLY PLACE THE TELEGRAM BEFORE THE HONBLE THE SPEAKER FOR INFORMATION AND NECESSARY ACTION (.) ACKNOWLEDGE THE RECEIPT OF THIS TELEGRAM (.)

REGISTRAR SUPREME COURT--"

If a notice is received, there is nothing like intervening. One intervenes if one is not a party. On the sixth the date will be fixed for hearing. On that day, all those who are entitled to hear will be heard. The question is what action should be taken by the Mysore Legislature. One suggestion is that we must discuss this. Notice has been received with regard to particular facts covered by the particular petition before the court. Therefore, it is not to discuss it. I really do not know what exactly is going to be discussed and I do not think we will be discussing the entire field of privileges, nor is the Supreme Court going to lay down the law for all matters that might arise or might be associate matters. So far as I understand it will deal with points covered by the particular reference. The terms of reference have appeared in the Press. I have not seen the original nor have I got a copy. With this knowledge that we have before us, what is it that we are going to discuss? Are we going to discuss the law of privileges or are we going to discuss the Act and Conclusions? One idea was to strengthen my hand: I really do not know where my hand come into the picture. If the Members are desirous, I shall certainly be happy to sit with them and study and see whatever that is possible to be done for protecting the interests or privileges or rights of the House. That can be done—not by everybody participating. It is clear from the observations made by one of the Members that those who

(MR. SPEAKER)

study alone can participate. That necessarily implies that every one will not be permitted and should not be permitted. Then how can I call a meeting of the Assembly ?

SRI C. J. MUCKANNAPPA:—My idea is this ; please call them to your Chamber.

MR. SPEAKER:—Let him kindly listen. Somehow, it has become the habit with this Hon'ble Member. He is not able to contain himself. I do not think it is correct.

10 A.M.

As can be seen from the proceedings, an open session was suggested. Is an open session possible ? An open session means that every member is entitled to speak. I cannot exclude any member. Members know the full implications of an open session. It is not a matter on which the conclusions or decisions of opinion of the House are necessary nor is it possible to organise it in the manner suggested. Therefore, very wisely, some of the members suggested a secret session. What is a secret session for ? For the purpose of studying this particular matter, to see that any decision or conclusion is arrived at, or any opinion expressed by the Supreme Court in answer to the reference made by Hon'ble the President of the Republic is not in any way militating against us so that it may not come on account of any negligence on our part to put forth sufficient study and attention and to see that our rights are protected. For that purpose a session is not necessary. Therefore one of the Hon'ble Members said that such of the members desirous of discussing it can discuss because two heads are better than one and more heads are better than two. Let us have the collective wisdom of all persons. I entirely agree with the idea. I would very much like to know how many are desirous of studying the problem and helping me in this behalf :

(Some Members rose)

Even for experts this is a difficult problem. Mere discussion on our part will not do. I would very much love that a dozen or so members sit with me. I will try to get all the books. Let us prepare notes and let us have it properly presented. As to who should present, how it should be presented, we shall see. We are not the only one to be affected. A similar problem confronts all the Legislative bodies in India. It may be that other concerted measures might be thought of. Could all these be done in a manner which would go into the public records ? Do people discuss these things on the floor of the House ? I would like the various members, the leaders of the parties and groups, along with the Minister for Law, and the Advocate General, who is a Memeber of this House, to be invited. Let us do something of that type. We will then have spent our energies for a useful purpose instead of asking every body everything. Under what circumstances are secret sessions to be held ?

Sri S. SIVAPPA.—They are delicate matters, though they are not secret in that sense.

Mr. SPEAKER.—The Hon'ble Member may say something which I think is fallacious and I may think what Sri Sivappa thinks is fallacious. Where does it lead to? I am prepared to constitute a study group on this matter to prepare notes. I will announce the names if necessary of my own accord with powers to co-opt anybody. I will invite friends to my Chamber. I will invite all the members to the study group.

Sri G. V. GOWDA (Palya).—The Chair was pleased to read the notice issued by the Supreme Court to the Speaker. I would like to know whether he himself would represent this House or he would make arrangements to be represented before the Supreme Court.

Mr. SPEAKER.—I will discuss the matter with the Chief Minister, because he is as much a Member as we are. If I say I am going, then I must go. I have to understand the sense of the House. If I am not able to go, I will not go.

Now the Home Minister will make a submission.

Sri R. M. PATIL.—I beg to invite your kind attention to my letter which is purported to have been made under Rule 315 read with Rule 289 of the Rules of Procedure and Conduct of Business. Sri Muckannappa made certain statements by way of allegations against certain officers. I submit they deserve to be expunged. The portions are marked in the proceedings.

Chairs' order *re*: Expunction of certain remarks made by a member.

Mr. SPEAKER.—It has been brought to my notice that during the course of the debate on the Police demands, one of the Hon'ble Members made a specific, explicit reference to individual officers and made allegations against them. So far as such allegations are concerned, certain procedure is prescribed and Rule 289 governs the situation:

> "No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of reply:
>
> Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the Assembly or that no public interest is served by making such allegation."

(MR. SPEAKER)

I am not concerned with the proviso because that stage is over. A request has been made that these remarks which contravene the rules are liable to be expunged. The relavent Rules 315 and 316 read as follows:

"If the Speaker is of opinion that a word or words has or have been used in debate which is or are defamatory or indecent, or unparliamentary or undignified, he may, in his discretion, order that such word or words be expunged from the proceedings of the Assembly."

There is also a ruling of this House given by my learned predecessor Hon'ble Sri Kanthi. It was given on the 30th April 1958 and it is an exhaustive ruling. I read from the first column two sentences—page 2409.

"The principle is to the effect that the best usage of a legislature is to refrain from making attacks in the House on people who cannot answer back, that is, who are not in the House, and therefore, not in a position to defend themselves."

This is the ruling dealing with officers of Government because this is how it began:

"On the 26th instant when supplementaries were being put with respect to Question No. 1841, one Hon'ble Member tried to ask if Government were aware that a particular officer was corrupt. The Speaker intervening ruled that he would not allow any allegations against individual officers to be made on the floor of the House."

Then he gave that ruling. One more sentence is:

"An officer may be generally good, but in a particular matter may be bad. But all these matters must be brought to the notice of the Minister first, and if even then redress is not obtainable, then of course, this is the last forum for it, and all such things can be brought in."

Then, various instances not only in India but also elsewhere have been referred to. It was presented to me that when the remark was made, when the allegations were made, it was open to the Speaker to have asked the Member to desist from making such allegations; that was not done. I learn that the Hon'ble Deputy Speaker who was in the Chair on that day did say that the Member should not make such allegations. Anyhow, I will presume that such an observation was not made for reasons which need not be discussed. Taking it either way, violation of a rule does not validate something which should not have been done at all.

The further circumstances that were mentioned to me were that it was open to the Hon'ble Minister to have replied to that. That is

certainly not an answer. It was also mentioned that the debate being over, was it open to be taken up now ?. I have deeply pondered over all these things mentioned to me. I am definitely of the opinion that so far allegations that have been made are concerned, I have read them very carefully, very patiently and also thought about it very deeply. There are a few general observations couched in a rather unhappy language to put it in the least, a language which should not be used normally on the floor of the House. But what is more, I am overlooking that because it has already gone into the proceedings. So far as the allegation made personally against the wife of one of the officers is concerned I find absolutely no justification. It was not at all proper. I find that observations and allegations made against an other officer are of a very serious type ; very serious ; that should not have been made at all. I find one more observation made with regard to the use of a jeep by some other relative of one of the officers. There is no moral turpitude there. I would not think much of it. But, so far as the allegations against the wife of an officer are concerned, it is improper. I have directed that those observations which I have marked in the proceedings placed before me be expunged. I have brought it to the notice of the House.

Before I go to the next topic, I earnestly appeal to all the Members to adhere to the rules with regard to making allegations not permitted under the rules, without following the principles enunciated in the rules not to make interjections, running commentaries. A stray incident here and there does not matter. But, if it becomes very frequent, it detracts from the dignity and the status of the House. I would appeal to the Members, to all the Members, to please co-operate with me by adhering to the rules ; otherwise, I will be compelled much against my will, to observe the rules strictly.

(Sri S. Gopala Gowda rose)

Mr. SPEAKER.—What does Sri Gopala Gowda want to say ?

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ (ತೀರ್ಥಹಳ್ಳಿ).—ಈ ವಿಷಯದಲ್ಲಿ ಸಭೆಯ ಅಭಿಪ್ರಾಯವನ್ನು ಪಡೆದುಕೊಳ್ಳಬೇಕೇ ಅಥವಾ ಪಡೆದುಕೊಳ್ಳದೆ ತಾವೇ...

Mr. SPEAKER.—He may please read the rule.

Sri S. GOPALA GOWDA.—Rule 315 says :

"If the Speaker is of opinion that a word or words has or have been used in debate which is or are defamatory or indecent or unparliamentary or undignified he may, in his discretion, order that such a word or words be expunged from proceedings of the Assembly".

Mr. SPEAKER.—So, the rule is there.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಇದರಲ್ಲಿ ನನಗೆ ಒಂದು ಶಂಕೆಯೇನೆಂದರೆ ಅಧ್ಯಕ್ಷರು ಯಾವಾಗಲಾದರೂ ಪ್ರೊಸೀಡಿಂಗ್ಸ್‌ನಲ್ಲಿರುವ ಶಬ್ದಗಳನ್ನು ಎಕ್ಸ್‌ಪಂಜ್ ಮಾಡಬಹುದೇ ? ಅಥವಾ ಅದಕ್ಕೆ ಏನಾದರೂ ಒಂದು ಗೊತ್ತಾದ ಕ್ರಮವಿದೆಯೇ ಎಂಬುದೇ ನನ್ನ ಪ್ರಶ್ನೆ.

Mr. SPEAKER.—I am not allowing the Member to make a speech.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಸಂಬಂಧಪಟ್ಟ ಮಂತ್ರಿಗಳು ಈ ವಿಷಯವನ್ನು ತಮ್ಮ ಗಮನಕ್ಕೆ ತಂದರೇ? ಅದನ್ನು ತಾವು ನೋಡಿದ್ದೀರಾ? ಇದು ಸರಿಯಲ್ಲ ಎಂದು ಮನಗಂಡು ಸಂಬಂಧಪಟ್ಟ ಭಾಗಗಳನ್ನು ವೆರದಿಯಿಂದ ಹೊಡೆದುಹಾಕುವುದಕ್ಕೆ ಅಪ್ಪಣೆಮಾಡಿದ್ದೇನೆಂದು ಹೇಳಿದಿರಿ. ನಾನು ತಮ್ಮ ಅಧಿಕಾರವನ್ನು ಪ್ರಶ್ನೆಮಾಡುತ್ತಿಲ್ಲ. ಆದರೆ ಕ್ರಮ ಸರಿಯೇ ಎಂದು ಕೇಳುತ್ತೇನೆ.

Mr. SPEAKER.—He says that he is not attacking my ruling and still he is saying all this. ಮಂತ್ರಿಗಳಿವ್ವರು, ನೂಚನೆ ಕೊಟ್ಟರು, ಅದನ್ನು ಆರೋಚನೆ ಮಾಡಿದ್ದೇನೆ ಎಂದು ಹೇಳಿದ್ದೇನೆ.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಅವರು ಆಗ ವಿರೋಧಮಾಡಲಿಲ್ಲ.

ಅಧ್ಯಕ್ಷರು.—ಇದಕ್ಕೆ ಪ್ರಿಸೀಡೆಂಟ್ ತುಂಬಾ ಉಂಟು, ನಾನು ನೋಡಿದ್ದೇನೆ.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಡಿಬೇಟ್ ಮುಗಿದನಂತರ ಹೌಸ್ ಆಡ್ವರ್ನ್ ಆದನಂತರ ಎಕ್ಸ್‌ಪಂಜ್ ಮಾಡುವುದು ಸರಿಯೇ?

ಅಧ್ಯಕ್ಷರು.—ಸರಿ, ನಾನು ಹಾಗೆ ಮಾಡಿದ್ದೇನೆ, ಇತರ ಶಾಸನಸಭೆಗಳಲ್ಲೂ ಮಾಡಿದ್ದಾರೆ. ಇದಕ್ಕೆ ವಿರುದ್ಧವಾಗಿ ಏನಾದರೂ ಪ್ರಿಸೀಡೆಂಟ್ ಇದ್ದರೆ ಹೇಳಿ. ಹಾಗಿಲ್ಲದೆ ನುಮ್ಮನೆ ಪ್ರಶ್ನೆ ಹಾಕಿದರೆ ಏನು ಪ್ರಯೋಜನ?

10-30 A.M.

Sri C. J. MUCKANNAPPA.—You have just read the letter written by the concerned Minister. The Hon'ble Speaker has bestowed his thought on the matter as to whether it has to be expunged or not or what action has to be taken. I have some doubts in mind. I just want to know what exactly is the stand that should be taken by the Chair to decide when a Member makes an allegation, whether they are facts, whether the statement made by a particular Member is supported by facts or whether it is only a baseless allegation. If you can kindly give me two or three minutes after the Tea interval, I will explain.

Mr. SPEAKER.—All right. The House will now rise to meet again half-an-hour later.

The House adjourned at Thirty-two Minutes past Ten of the Clock and reassembled at Five Minutes past Eleven of the Clock.

[MR. SPEAKER in the Chair.]

Member's representation.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಸ್ವಾಮೀ, ರೂಲ್ಸ್-ಆಫ್ ಪ್ರೊಸೀಜರು 289ರ ಪ್ರಕಾರ ಯಾರಾದರೂ ಯಾವ ಆರೋಪನ್ನು ಮಾಡಬೇಕಾದರೂ ತಮ್ಮ ಪರ್ಮಿಷನ್ನು ತೆಗೆದುಕೊಂಡು ಸಂಬಂಧಪಟ್ಟ ಮಂತ್ರಿಗಳಿಗೆ ಮೊದಲೇ ಹೇಳಿ ಮಾಡಬೇಕೆಂದರೆ ಹೇಗೆ? ನಾನು ತಮ್ಮ ತೀರ್ಮಾನದ ಬಗ್ಗೆ ಪ್ರಶ್ನೆ ಮಾಡುವುದಕ್ಕೆ ಹೋಗುವುದಿಲ್ಲ. ಒಂದು ತಿಂಗಳಾದ ಮೇಲೆ ಸಂಬಂಧಪಟ್ಟ ಮಂತ್ರಿಗಳು ಕೇಳಬಹುದೇ! ತಾವು ಆಗ ಇದ್ದಿರಿ ಎಂದು ನನ್ನ ಭಾವನೆ.

Mr. SPEAKER.—Is he sure that I was present?

Sri C. J. MUCKANNAPPA.—That is my feeling.

Mr. SPEAKER.—I would ask him to verify and then tell me.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ:—ನಾನು ಸಭೆಯಲ್ಲಿ ಮಾತನಾಡಿದ ಮೇಲೆ ಸಂಬಂಧಪಟ್ಟ ಮಂತ್ರಿಗಳಿಗೆ ಸ್ಯಾಟಿಸ್‌ಫೈ ಆಗುವ ಹಾಗೆ ನಾನು ಮಾತನಾಡಬೇಕೆಂದು ನಾನು ಹೇಳಿದ್ದನ್ನು ಪುನಃ ಯಾವ ರೀತಿಯಲ್ಲಿ ತೆಗೆಯುಹಾಕಬೇಕೆಂದು ಹೇಳುತ್ತಾರೆ. ತಾವು ರೂಲಿಂಗು ಕೊಡುವುದಕ್ಕೆ ಮುಂಚೆ ನಾನು ಸ್ವಲ್ಪ ಹೇಳಲು ಅವಕಾಶ ಕೊಟ್ಟರೆ ಒಳ್ಳೇದು ಎಂದು ತೋರುತ್ತದೆ.

Mr. SPEAKER.—He wanted a chance to explain. I am giving a chance because I do not want anybody to have a feeling that any representation has been shut-out. Otherwise, I have delivered the Ruling. Is he questioning the Ruling or does he want any clarification ?

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣಪ್ಪ:—ನಾನು ತಮ್ಮ ರೂಲಿಂಗನ್ನು ಪ್ರಶ್ನೆ ಮಾಡುತ್ತಿಲ್ಲ.

Mr. SPEAKER.—I do not think that I should ask anybody before I give a ruling. If I have asked anybody, it is more out of desire to satisfy myself that I have not done anything without giving an opportunity.....

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ:—ನನಗೆ ತಿಳಿದ ಕೆಲವು ಅಂಶಗಳನ್ನು ತಮ್ಮ ಮುಂದೆ ಹೇಳಬೇಕಾಗಿದೆ.

Mr. SPEAKER.—He knows Rule 289. Does he make any allegations ? If he has made allegations, did he comply with rule 289 ? I have not mentioned as to whose proceedings as to be expunged.

Sri C. J. MUCKANNAPPA.—Though the Rule was there, for the past seven years, several allegations were made against several officers, but no Speaker, no Minister came forward with a plea that such and such a Member on such and such a date, has made personal allegations and they must be expunged. If you can kindly permit me, may I bring one instance to your kind notice ?

Mr. SPEAKER.—Does he want me to understand that Rule 289 is no longer in operation, or because it has not been followed in the past by somebody he is also entitled not to follow it ?

Sri C. J. MUCKANNAPPA.—The concerned Minister was here. Instead of his telling that I made complaints, he could have requested the Deputy Speaker, who was in the Chair, to call me to order and could have asked me not to make such statements.

Mr. SPEAKER.—Suppose they don't do it.

Sri C. J. MUCKANNAPPA.—Even without coming before the Hon'ble Speaker, how can he say that such an allegation was made and that he investigated into the matter and the allegations are baseless ?

Mr. SPEAKER.—Let him justify his conduct.

Sri C. J. MUCKANNAPPA.—I submit to the Chair, whose duty is that ?

Mr. SPEAKER.—It is the duty of every Member to comply with the rules.

Sri C. J. MUCKANNAPPA.—I have got every information as to what allegation I have made. If an enquiry is instituted, I am prepared to face the consequences.

Mr. SPEAKER.—Let him do so, if he likes, but not on the floor of the House.

Sri C. J. MUCKANNAPPA.—If we do not make the Government understand what is going on, why is it that we are here ?

Mr. SPEAKER.—Rules are there for making it known to the Government.

Sri C. J. MUCKANNAPPA.—If it is defamatory, suppose the officer is inefficient, suppose the officer is punished.....is it not my duty?

Mr SPEAKER.—That is a supposition.

Sri C. J. MUCKANNAPPA.—I say there is a record in the Government.

Mr. SPEAKER.—He made an allegation against a lady.

Sri C. J. MUCKANNAPPA.—Yes, there is an investigation going on by the Government of India police.

Mr. SPEAKER.—Is the investigation over?

Sri C. J. MUCKANNAPPA.—I do not know.

Mr. SPEAKER.—Then how dares he to make it? Making allegations against ladies!

Sri C. J. MUCKANNAPPA.—A person who is placed highly in position, a person who is holding very high place, who is supposed to protect law and order—suppose the family members of that person behave like that, what can be done? what is the way open to any member?

Mr. SPEAKER.—Should I tell him what he should do? I do not wish that members should get into complications. If he wants, let him go outside and say what he wants, I am trying to protect the Members.

Sri C. J. MUCKANNAPPA.—Government is not in a position to know all that is happening in the country. It is the duty of the Members of this House to make them open their eyes.

Mr. SPEAKER.—What is it that he is telling me?

Sri C. J. MUCKANNAPPA.—I am saying that even the concerned Mininister has not taken the trouble to investigate.

Mr. SPEAKER.—Does he want me to reverse my ruling? I am not going to do it.

Sri C. J. MUCKANNAPPA.—Have I no right to appeal to the Chair, Sir?

Mr. SPEAKER:—He can do it on another occasion. He is making matter wrose for himself—not for me.

Sri C. J. MUCKANNAPPA.—Before you took a decision regarding expunging this, an opportunity ought to have been given to me to explain my position, Sir.

Mr. SPEAKER.—I have to inform the House that I did send for the Member to acquaint him with this so that he might not be taken by surprise. I did not want to tell all these things on the floor of the House. If he repeats what I wish to expunge, that also will be expunged.

Sri C. J. MUCKANNAPPA.—I am not repeating it when a member of the family of an officer does it and supposing an officer is corrupt...

Mr. SPEAKER.—I have already said what procedure has to be adopted under such circumstances. Let him put it in writing and give it to the Government. Let him not take protection under the shelter of the House.

Sri C. J. MUCKANNAPPA.—Then why should we think of vigilance committees and so on. Sir, the rule says: 'words' not sentences. If the Speaker is of the opinion that any word or words have been used in a debate which is defamatory or indecent...Sir, you have not made me understand what word or words were defamatory or what word is indecent and which word is unparliamentary. I am in the dark because you do not say which word is unparliamentary.

Mr. SPEAKER.—He is rolling a dozen things into one. Under what parliamentary practice should I call him and explain and convince him before I expunge a position which is impossible to accept? It is beyond imagination. Am I to explain to him?

Sri C. J. MUCKANNAPPA.—Out of these 100 or 1,000 words mentioned, which word is defamatory?

Mr. SPEAKER.—If he goes on reading the proceedings and if he sees the asterisk, he will understand that it is omitted.

Sri C. J. MUCKANNAPPA.—Sir, I obey and I bow my head to the Chair. One or the other day, it becomes very difficult for this House to function if it is not able to make the executive understand what is going on outside. In other State legislatures, the High Court Judges are summoned before the bar of legislature to explain.

Sri V. S. PATIL.—Sir, it appears that Rule 289 has led to some confusion.

Mr. SPEAKER.—There is no confusion in my mind.

Sri V. S. PATIL.—I do not say there is confusion in your mind. There is confusion in our mind. The usual practice or convention or even the law as it stands today is that whatever has been said on the floor of this House, the Member concerned or the whole House as such is exempt from criminal liability. This is the basic principle so far as any legislature is concerned. That is why this rule is provided. Here this Rule 289 is curtailing that right which is vested in this body. Sir, you have suggested to me on several occasions that the rules have got to be framed so as to suit the purpose and lawful functioning of this House. I should like to suggest that this is asterisk restriction that is placed upon our independence, our freedom of speech and expression. That is curtalied by this rule, and it ought to be removed, because I tell you a practical difficulty in this: in the whole country, even the highest persons occupying the highest position in our contry, have said that the whole administration from the centre at Delhi down to the village panchayet has become corrupt. They have admitted it. That is the reason why the committee was appointed. They have made suggestions and all these things are going on at the Centre and these things are now percolating to the States also. When the whole thing has become corrupt.....

Mr. SPEAKER.—If he criticises the Government, I never say anything. Government is here to defend itself. But the point is the member has spoken about a lady; do members support it? Suppose that lady happens to be the wife of an officer—does he support him?

Sri V. S. PATIL.—The difficulty which we are facing is, is it ever possible for any member to comply with this rule?

According to rule 289:

"No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned....."

When we have to make allegations against a number of people, is it possible for any member to give previous intimation to you and also to the Minister concerned and then it is up to the Minister to investigate into the matter for the purpose of reply. The reason given is to enable the Minister to call for the records and investigate into the matter. As to why this provision is made is clear from the subsequent sentence. "... so that the Minister may be able to make an investigation into the matter for the purpose of reply". Not for improving the administration; we are not concerned with that. Whatever we may say, I do not think the Minister concerned is going to set right matters.

Mr. SPEAKER.—What is the point?

Sri V. S. PATIL.—Why is the provision of notice given? The intention appears to be to enable the Minister to reply to the allegation; that is the thing that is covered by the rule. When a serious allegation is made, does he feel it necessary to reply; why again an opportunity should be given to him after sleeping over the matter for so many days. I do not challenge him; but is it proper on the part of the Minister concerned to sleep over the matter all these days and then write to you to get those remarks expunged. This rule must be interpreted in the spirit which is pervading everywhere that we have got a right to criticise but that criticism should not be centered, according to the previous ruling of the Chair, by mentioning the names. We can criticise the working of a department, etc. and we can mention the officers in their official capacity, but we cannot mention their names because they are not here to defend themselves. In the Parliament recently some allegations were made against Mr. Malaviya and his Personal Assistant about bribery, etc., in relation to some firm called Shirajuddin Company. If this rule is to be interpreted in the sense in which it is sought to be made, then the whole proceedings relating to the case of Shirajuddin firm may have been expunged. We are making the criticism only with the view that they may improve. We bring the thing to the notice of the House not with the view that our names should come in the papers. We are only pointing out the defects so that they may improve. So far as the interpretation of the rule is concerned, the difficulty is there and I think, while framing the new rules, it is to be borne in mind that our right of expression should in no way be curtailed so as to gag our mouths.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ —ಈಗ ತಾವು ಏನೊಂದು ತೀರ್ಮಾನವನ್ನು ಕೊಟ್ಟಿದ್ದೀರೋ ಅದು ಕೆಲವು ಮೂಲಭೂತವಾದ ವಿಷಯಗಳ ಬಗ್ಗೆ ಪ್ರಶ್ನೆ ಉದ್ಭವಿಸುತ್ತದೆ. ಮುಂದನೆಯದು, ಈ ಸಭೆಯಲ್ಲಿ ಇಲ್ಲದೆ ಇರತಕ್ಕವರ ಬಗ್ಗೆ ಯಾರೇ ಮಾನ್ಯ ಸದಸ್ಯರಾಗಲೀ ಏನಾದರೂ ಆಪಾದನೆಗಳನ್ನು

ಮಾಡಬಹುದೇ ಅಥವಾ ಅವರ ಹೆಸರನ್ನು ಹೇಳಬಹುದೇ ಬೇಡವೇ ಎನ್ನುವುದು. ಶ್ರೀಮಾನ್ ವಿ. ಎಸ್. ಪಾಟೀಲ್ ಅವರು ಹೇಳಿದ ಹಾಗೆ ಕೆಲವು ಆಪಾದನೆಗಳನ್ನು ಈ ಸಭೆಯ ಸದಸ್ಯರಲ್ಲದೆ ಇರುವವರ ಮೇಲೆ ಮಾಡಬಾರದು ಮತ್ತು ಅಂತಹವರ ಹೆಸರುಗಳನ್ನೂ ಸಹ ಹೇಳಬಾರದು. ಅಧ್ಯಕ್ಷರಿಗೆ ಮೊದಲೇ ತಿಳಿಸಿದ್ದರೆ ಅದನ್ನು ಇಲ್ಲಿ ಹೇಳಬಹುದು. ಇಲ್ಲಿ ಸದಸ್ಯರು ಆಪಾದನೆಗಳನ್ನು ಮಾಡುವಾಗ ಅಧ್ಯಕ್ಷರಿಗೆ ಮೊದಲೇ ತಿಳಿಸಬೇಕೆಂಬ ಬಗ್ಗೆ ಯಾರೂ ಆಪಾದನೆಗಳನ್ನು ಮಾಡುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ. ಕಾನ್‌ಸ್ಟಿಟ್ಯೂಷನ್ನಿನ 289 ಅಥವಾ 315 ನೆಯ ರೂಲ್ ಪ್ರಕಾರ ತಾವು ಕೊಟ್ಟಿರುವ ರೂಲಿಂಗ್ ಬಗ್ಗೆ ಹೇಳುವುದಾದರೆ, ಅದು ಸದಸ್ಯರ ಪೂರ್ತಿ ಹಕ್ಕನ್ನು ಬೇರೆ ಮಾರ್ಗದಿಂದ ಕತ್ತರಿ ಕೊಂಡಂತೆ ಆಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಎಕ್ಸ್‌ಪಂಜ್ ಮಾಡುವ ವಿಷಯದ ಬಗ್ಗೆ ಸ್ಪಷ್ಟವಾದ ಒಂದು ವಿವರಣೆಯನ್ನು ನಾವು ಇಟ್ಟು ಕೊಳ್ಳುವುದು ಒಳ್ಳೆಯದು.

ಅಧ್ಯಕ್ಷರು.—ತಾವು ಈಗ ರೂಲಿಂಗ್ ವಿಷಯದಲ್ಲಿ ಹೇಳುತ್ತೀರಾ?

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಇಲ್ಲ. ತಾವು ರೂಲಿಂಗ್ ಕೊಡುವಾಗ ಪ್ರೊಸೀಡಿಂಗ್ಸ್‌ನಿಂದ ಕೆಲವು ಅಂಶಗಳನ್ನು ತೆಗೆದು ಹಾಕುತ್ತೇನೆಂದು ಹೇಳಿದಿರಿ. ಅದು ಬಹಳವಾಗಿ ವಿಚಾರ ಮಾಡ ಬೇಕಾದ ವಿಷಯ. ಈಗ 2-3 ದಿವಸಗಳಿಂದ ಏನು ಪ್ರೊಸೀಡಿಂಗ್ಸ್ ಇದೆ ಅದರಿಂದ ಕೆಲವು ಅಂಶ ಗಳನ್ನು ತಾವು ತೆಗೆಯಲೇ ಬೇಕಾಗುತ್ತದೆ.

ಅಧ್ಯಕ್ಷರು.—ಅವರು ಹೇಳಿದ ಹಾಗೆ ನಾನು ಹೇಳಬೇಕೆಂದಲ್ಲ. ಅವರ ಮನಸ್ಸಿನಲ್ಲಿರುವುದು ನ್ಯಾಯವೆಂದು ಕಂಡುಬಂದರೆ ನನ್ನ ಮನಸ್ಸಿನಲ್ಲಿದ್ದ ಹಾಗೆ ಮಾಡುತ್ತೇನೆ.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಯಾವ ವಿಷಯಗಳನ್ನು ತೆಗೆದುಹಾಕಬೇಕೋ ಅವನ್ನು ತೆಗೆದು ಹಾಕಬೇಕು. ಹಿಂದೆ ಎಕ್ಸ್‌ಪಂಜ್ ಆದುದು ಯಾವುದಾದರೂ ಇದ್ದರೆ ಅದನ್ನು ಈ ಸಭೆಯು ಮುಂದೆ ಇಟ್ಟು ಈ ಸಭೆಯ ಒಪ್ಪಿಗೆ ತೆಗೆದುಕೊಂಡಂತೆ ಕಾಣಲಿಲ್ಲ.

ಅಧ್ಯಕ್ಷರು.—ಆ ರೀತಿ ಮಾಡಬೇಕೆಂದು ಎಲ್ಲಿತ್ತು? ಅದಕ್ಕೆ ರೂಲ್ ತೋರಿಸಿ.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲ ಗೌಡ.—ಹಾಗೆ ಒಂದುವೇಳೆ ಇಲ್ಲದಿದ್ದರೆ ಈ ರೀತಿ ಮಾಡಬಹುದು. ಯಾವುದಾದರೂ ಒಂದು ವಿಷಯ ಈ ಸಭೆಯ ಹಕ್ಕು ಬಾಧ್ಯತೆಗೆ ಅಥವಾ ಗೌರವಕ್ಕೆ ಸರಿಯಾಗಿಲ್ಲವೆಂದು ತಿಳಿದರೂ ಅದನ್ನು ಈ ಸಭೆಯ ಗಮನಕ್ಕೆ ತರದೇ ಹೋದರೆ ಅದು ಬೇರೆ ಅರ್ಥವಾಗುತ್ತದೆ. ಅದರಿಂದ ಪ್ರೊಸೀಡಿಂಗ್ಸ್‌ನಲ್ಲಿ ಏನೂ ಸ್ಯಾಂಕ್ಷನ್ ಉಳಿಯುವುದಿಲ್ಲವೆಂಬುದಾಗಿ ನನಗೆ ಗೊತ್ತಾಗುತ್ತದೆ.

Mr. SPEAKER.—I will just take a few minutes to clarify the point raised by Sri V. S. Patil. He mentioned the case of Sri Malaviya. The Hon'ble Minister was there at that time. If an allegation is made against one of the Ministers should he not intervene because he is there? Then Sri Patil raised a point about the intention. I do not know what he exactly means by it. The rule is very explicit. But is it the intention or the wording that counts? Whatever may be the intention underlying the rule in the matter of making any allegation against a person, nothing should be done which is in any way inconsistent with the rule.

11-30 P.M.

Even if the rule is not there, convention, the status the dignity and the responsibility of the House is to see that the immunity given is not abused by making all kinds of allegations against persons who are not able to defend themselves in the House. These are the various heads under which restrictions have been placed on every Legislature in every civilised country. These are rules which are binding on the House. That is why Sri Patil very ably suggested that it might be a case for modification. Even there, I am more than doubtful but this is a case for study and may be done at the time the committee is constituted. But I may say that there are cases where such action has been taken

(MR. SPEAKER)

even without the rules. That is because the status of the Assembly deserves it. The very purpose of the rules is found in Article 194, that is, subject to the rules for conduct of business, these are the privileges. So, if the rules are there, the privilege is not taken away. No one should feel that the privileges given to the Members are abused. These are the rules which have been there all along. Apart from the rules, there are also conventions which have been respected. So far as the power of the Speaker is concerned, it is not necessary for anybody to bring to his notice. Sri Gopala Gowda says that it is his duty to explain to the House. It may be his view. I am bound by the rules and not the opinion of Sri Gopala Gowda. If concurrence of the House is necessary I am the first person to come before the House. If the House says 'No', I do not mind. That is my duty. But if I am to exercise a discretion, it should be left to me. But this kind of criticism should not be levelled.

SRI S. M. KRISHNA.—Before we start the debate, I would like to draw the attention of Government to a matter which has a direct bearing on the execution of the Sharavati power project. With your leave I wish to state that the Vikram industries, an industry situated in Bangalore, manufactures steel structures for Sharavathi. For the past one week, on account of labour strike, the factory has ceased to function. I would like to know from Government if by their incapacity to fulfil their obligations with reference to the supply of steel structures for Sharavati, would it not hinder the progress of the project. I would like to draw the attention of the Labour Minister as well as the Chief Minister to this problem.

SRI S. NIJALINGAPPA.—What does the Hon. Member want Government to do ?

SRI S. M. KRISHNA.—I want them to solve the labour tangle.

SRI S. NIJALINGAPPA.—So far as Sharavati is concerned, we have made other arrangements.

MR. SPEAKER.—I am more than doubtful if such a matter can come up here for discussion in this manner. If conciliation fails, it is a justiciable matter to be adjudicated by the court. How can we discuss it here ?

SRI S. M. KRISHNA.—Even now it is not too late. Government can intervene in the matter.

SRI K. H. RANGANATH.—I know something about the case. Conciliation failed because the employer never appeared in the conciliation proceedings. The matter is before Government for reference to the Industrial Tribunal. Since yesterday the factory is under a lockout.

SRI S. NIJALINGAPPA.—I am only interested in getting the steel structures. If they fail, I will get it from somebody else. I do not know what has happened but I know where to get the materials.

Sri D. DEVARAJ URS.—I do not know what exactly the Hon. Member wants. There is a dispute between the management and the workers. Conciliation has taken place. Conciliation has failed and the matter is before Government as to whether it should be referred for adjudication or not. Government will take an immediate decision in the matter. Of course, subsequently, I think on 5th March 1964, a section of the mill had been closed and some 64 workers had been removed or retrenched, as a result of which, there is a strike going on even now. Conciliation has been fixed for the 4th, that is, tomorrow because we wanted to make another attempt to settle the dispute amicably.

Sri S. SIVAPPA.—The Speaker had promised today to take the call attention notice regarding the statement of the Railway Minister about the deviation of the Hassan-Mangalore rail. The Chief Minister is also here.

Sri S. NIJALINGAPPA.—It was included in the plan.

Sri S. SIVAPPA.—Only about ten days back the Railway Minister came to Bangalore and he issued a statement to deviate the proposed Hassan-Mangalore line. I request the Chief Minister to take up this matter with the Government of India and make a statement in this House assuring the House that the proposed line will not be deviated.

Sri S. NIJALINGAPPA.—We have already done it.

[MR. DEPUTY SPEAKER in the Chair.]

NON-OFFICIAL RESOLUTION

Re. **making recommendation to Government of India to solve border disputes on the basis of linguistic majority, Contiguity, Village as a unit, and wishes of the people.**

† Sri M. SRINIVASA NAIK (Mangalore-I).—Sir, I rise to oppose the Resolution moved by my friend Sri V. S. Patil. Sir, I should point out that it is only a game of politics and the people residing in those areas are not very particular to join Maharastra.

Sir, I speak for the Konkani speaking people in that area who have come from Goa 400 years back and settled in Karwar and other places.

(Interruption by Sri N. O. Samaji)

I catch the point of Sri Samaji but I am not speaking about Goans. Sir, Konkani speaking people migrated from Goa when the Portugese invaded Goa and they have settled in these places. We have always put our weight with the democratic forces of the country and tried to build this country. We have got our own culture. Though people may say, we have no script, our script is Kannada. We have a paper in Mangalore and the script is Kannada. We have a publication called Bharat Sevak Samaj and the script is written in Kannada. We have got our Konkani Samaj in Madras. We have an Association in Delhi and Bombay. Wherever we have settled, we have nurtured our own